**From:** schafer, joan
**To:** D'Andrea, Michael; Naylor, Wayne
**Sent:** 8/9/2013 9:54:19 AM
**Subject:** Fw:read the first headline.

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**From:** Seneca, Roy
**Sent:** Friday, August 09, 2013 9:41:53 AM
**To:** Garvin, Shawn; Ryan, Daniel; White, Terri-A; Arnold, David; Sternberg, David; Grundahl, Nancy; D'Andrea, Michael; Seneca, Roy; Smith, Bonnie; Early, William; schafer, joan
**Subject:** Headlines Highlights for RA's Tablet - FRIDAY, August 9, 2013

# Headlines Highlights for RA's Tablet - FRIDAY, August 9, 2013

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# Pittsburgh Tribune-Review

## 3 W.Pa. coal dumps contaminate water, EPA says

By Timothy Puko
PITTSBURGH TRIBUNE-REVIEW

Federal regulators have classified three Western Pennsylvania coal waste dumps as sites where there has been evidence of groundwater contamination, environmental groups announced Thursday, saying it supports their contention that state oversight is lax.

Dumps in Jefferson Hills and Beaver and Greene counties made the list, which the Environmental Protection Agency published on June 7. The agency reviewed cases cited in news reports and by environmental groups.

The agency confirmed 38 sites nationwide where coal waste has a documented history of leaching dangerous levels of chemicals into water. The review was part of an EPA effort to assess its own proposal for new limits on the liquid waste that power plants can dump.

“EPA's list of polluting coal ash dumps barely scratches the surface,” said Eric Schaeffer, director of the Environmental Integrity Project, which pointed out the three local sites to the EPA. “Without federal rules, many states take a ‘see no evil' approach and do not require the operators of landfills and impoundments to monitor all coal ash pollution.”

An EPA spokeswoman declined to discuss the implications of the classification, saying only that the agency is

reviewing information. Officials at the state Department of Environmental Protection did not return phone calls or respond to emails.

The owners of the three local sites said state regulators have been monitoring the dumps and contend their dumps meet state standards. FirstEnergy Corp. owns the Little Blue Run dump in Beaver County and Hatfield's Ferry Power Station in Greene County. NRG Energy Inc. recently acquired the Fern Valley dump on the Jefferson Hills-Clairton line as part of its acquisition of GenOn Energy Inc.

"Any potential past challenges at these sites have been fully addressed and are in compliance with the rules of the state of Pennsylvania," said Stephanie Thornton, a spokeswoman at FirstEnergy's headquarters in Akron, Ohio.

The Environmental Integrity Project has repeatedly accused Pennsylvania of being too lenient with coal ash dumps across the region. State officials should see the EPA's assessment as mounting evidence that coal ash is not safe for reuse, said Lisa Graves-Marcucci, a local community organizer with the group.

FirstEnergy announced in January that it would close Little Blue Run by 2016 as part of a consent decree that said it has polluted groundwater with several chemicals, possibly including arsenic. The EPA reviewed data the Environmental Integrity Project gathered showing a dump at Hatfield's Ferry caused similar pollution in groundwater and streams.

Fern Valley has been closed since 2007, but it has also showed a "troublesome" amount of arsenic in tests between 2002 and 2007, according to public data gathered by the Environmental Integrity Project.

NRG has been conducting monthly monitoring, and DEP inspections within the last two weeks found no problems, said David Gaier, spokesman at the company's New Jersey headquarters.

Coal-fired power plants have to capture harmful pollutants from their burn-off to avoid causing air pollution and acid rain. They often use lime to turn the particles into a slurry that can then get dumped into impoundments. That coal ash contains arsenic, selenium, lead and mercury, EPA has said, and those contaminants can pose health risks if they leach into groundwater.

The agency has spent years considering stricter regulations for the ash. That started with a 2008 environmental disaster at a Tennessee power plant. A dam at one of its impoundments broke, releasing more than 5 million cubic yards of ash into a river and nearby lands.

Little Blue Run is one of the largest impoundments around, and the DEP is hosting a public hearing about its closing at 6 p.m. Thursday at the Hookstown Volunteer Fire Department.

FirstEnergy officials will be there to make their first public explanation of how they plan to close the site, which lies just south of the Ohio River in Greene Township and partly in West Virginia.

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# Pittsburgh Post-Gazette

## Marcellus Shale drillers face new rules on pollution

August 9, 2013 7:30 am
By Don Hopey / Pittsburgh Post-Gazette

Shale gas drillers in Pennsylvania are facing new rules that will, for the first time, limit noxious emissions, including nitrogen oxides, volatile organic compounds and hazardous air pollutants.

The new state rules will be published Saturday in the Pennsylvania Bulletin and take effect immediately. According

to the rules, shale gas drillers will be required to either get an air quality plan approved by the state Department of Environmental Protection before drilling a well, or implement practices and emission controls more stringent than federal requirements that took effect in April 2012.

The new rules end the 1996 blanket exemption granted unconventional shale gas wells from pollution control requirements.

Chris Abruzzo, acting DEP secretary, said Thursday that the new emission rules build on "existing federal requirements by continuing to set the high, but fair, bar we have come to expect."

The rules require well operators to do leak detection and make timely repairs for the entire well pad and facility, including condensate tanks containing so-called "wet gases" such as ethane, propane and butane. Emissions of nitrogen oxides must be reduced to less than 100 pounds per hour, half a ton per day and 6.6 tons per year. Federal rules do not limit those emissions.

According to Kevin Sunday, a DEP spokesman, the state's rules will also require that all flaring done for emissions control on gas storage tanks be enclosed.

According to the DEP, enclosing flares reduces emissions of volatile organic compounds and hazardous gases by up to 99.9 percent.

Patrick Creighton, a spokesman for the Marcellus Shale Coalition, said the new rules will result in improved air quality in the state.

He said the coalition hasn't determined how much those requirements will cost the industry or which option -- getting state approval of an air quality plan or implementation of controls more stringent than federal rules -- most well drilling companies will choose to follow.

"Operators can either meet the tougher than federal conditions or go through the state plan approval process, which can take a long time," Mr. Creighton said. "Operators may be incentivized to meet the tougher standards."

According to Clean Air Council attorney David Presley, the council also commented on the proposed rules but hasn't had a chance to review the final language.

"If the wells are no longer exempt from getting a plan approval, that's something we asked for," Mr. Presley said.

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# Beckley Register Herald

## Governor pleased with Washington meeting but...

By Mannix Porterfield Register-Herald Reporter

CHARLESTON — Gov. Earl Ray Tomblin was “pleasantly surprised” by the receptive attitude of new administrator Gina McCarthy but emphasized Thursday he is ready to haul the Environmental Protection Agency back into federal court over coal regulations.

Tomblin headed up a West Virginia delegation that visited the EPA in Washington last week, hoping to convince McCarthy to relax some regulations coal operators say are hampering production and prompting layoffs in the coalfields.

Just before he chaired a meeting of the West Virginia Parkways Authority, the governor dispatched a letter to McCarthy, expressing gratitude for allowing him and others an audience.

“There will be follow-ups,” the governor said after the parkways meeting.

“That’s a big turnaround from where we were with the last administrator (Lisa Jackson) with whom we could not really even get a response back when we’d write a letter. I feel encouraged by it. We’ll just have to wait and see how it plays out from here.”

Tomblin, who gained some victories in federal court when he sued the EPA over some of its regulations, said he “absolutely” will pursue the same course if McCarthy refuses to bend.

“If it’s going to affect us negatively, or they’re making policies we can’t live with, then obviously the only alternative we have is to go back to court,” the governor told The Register-Herald.

“I would hope we would be able to sit across the table and work some of these differences out where we could all live with it and move in the right direction. We all want to clean the environment up, but we’ve got to be realistic and look at the effect it’s going to have on our people and move in a responsible manner.”

In his presentation to McCarthy, he reminded her of the ghastly side of coal production back in his boyhood.

“I grew up in southern West Virginia,” the Logan County native said.

“We had the Guyandotte River running black with coal slurry. Slate dumps were on every mountain side. It was hard to breathe, and it stunk. We’re willing to change in West Virginia, but it takes time. It took us time, but our streams are running clean now, the slate dumps have all been reclaimed and we’re willing to work with you.”

What “really bothers me” is how the EPA has embarked on policies with no regard or even discussion with West Virginia’s leadership, the governor said.

“It was a pleasant, not a confrontational meeting,” Tomblin said.

“So I feel very positive about it. We’ll just have to see how it goes from here.”

West Virginia’s entourage invited McCarthy to visit the state and see firsthand how coal is mined and provide on-site input at mining installations. So far, there has been no response from her on the invitation, but Tomblin said he wouldn’t be surprised if she takes the state delegation up on it.

“I was pleasantly surprised with her demeanor and actual interest she showed and what effects the EPA policies are having on West Virginia,” he said.

“I wouldn’t be surprised if she does come here. She’s a far contrast to her predecessor.”

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# New York Times

## Cut Emissions? Congress Itself Keeps Burning a Dirtier Fuel

By ERIN BANCO

WASHINGTON — As part of the climate change agenda he unveiled this year, President Obama made a commitment to significantly reduce the federal government's dependence on fossil fuels. The government, he said in a speech in June at Georgetown University, "must lead by example."

But just two miles from the White House stands the Capitol Power Plant, the largest single source of carbon emissions in the nation's capital and a concrete example of the government's inability to green its own turf.

The plant, which provides heating and cooling to the sprawling Capitol campus — 23 buildings that include the Library of Congress, the Supreme Court and Congressional office buildings, in addition to the Capitol building itself — is operated by Congress, and its transition to cleaner energy sources has been mired in national politics for years. But the failure of Congress to modernize its own facility also raises questions about the Obama administration's ability to limit emissions from existing power plants when it has not been able to do so at a government-run facility so close to home.

The office of the architect of the Capitol, which oversees the operations of the plant, first moved to end the use of coal there in 2000 but was turned back by resistance from powerful coal-state senators who wanted to keep it as the primary fuel. The effort was revived in 2007 as a central part of the Green the Capitol Initiative, led by Nancy Pelosi, the House speaker at the time. The effort was defunded in 2011 after the Republicans took control of the House.

By then the plant had reduced the amount of coal in its fuel mix to 5 percent, down from 56 percent in 2007. But it made up the difference primarily with diesel fuel oil because, as the architect of the Capitol, Stephen T. Ayers, told a Congressional panel in 2008, converting the plant to burn natural gas exclusively would have required a modernization costing $6 million to $7 million.

At the time, the plant was spending about $2.7 million a year on fuel oil, about twice as much as it might have cost to produce the same amount of energy using natural gas. The plant remained below its capacity to burn natural gas, according to a 2010 report from the Government Accountability Office, and it continues to burn diesel fuel oil, which, in addition to being much more expensive, is a significant source of emissions.

Some critics say officials at the power plant are purposely choosing to burn dirtier fuel, as a political statement.

"We worked to figure out a way to get around the issue of coal," said Drew Hammill, a spokesman for Ms. Pelosi. "But it is a futile effort until you get rid of the Republican majority. They do not believe in the word 'green.' "

A review of public records and interviews with city and federal officials suggest that the root of the problem is a lack of enforcement by regulators and insufficient oversight from Congress.

Although the power plant is required to submit emissions reports to the District of Columbia's Department of the Environment, which coordinates enforcement with the Environmental Protection Agency, and to apply for operation permits for new devices, records show that both agencies have failed to ensure that the power plant is in compliance.

E.P.A. officials with jurisdiction over the plant said that the agency did not have the capacity to inspect all facilities that got operating permits under the Clean Air Act, and that it relied heavily on partners like state and local energy agencies to make sure facilities were in compliance with their permits.

But district records show that the city has regularly failed to ensure that the plant is operating legally. In 2011, members of the city agency's Air Quality Division discovered that one of the plant's main boilers had exceeded the 10 ton-per-year limit for nitrogen oxides, which can cause severe breathing difficulties, by more than 20 tons per year since 2000.

"Emissions limits are meaningless if there is not adequate testing to ensure that they are being met," Mike Ewall, the founder and director of the Energy Justice Network, a grass-roots organization advocating clean energy, wrote in a Feb. 13 letter to the city agency.

Donna Henry, a spokeswoman for the city environment agency, said the city had had difficulties finding records to

clarify the plant's emission history.

The chairmen and the ranking members of the House and Senate committees that oversee the power plant declined to comment, as did the office of the architect of the Capitol, often referred to as A.O.C.

"That is where the letdown has been," said Eleanor Holmes Norton, a Democrat who represents the district as a nonvoting member of the House. "Oversight wouldn't come from A.O.C., it would come from Congress. You can bet your bottom dollar that the Republicans aren't doing any oversight on this."

The Government Accountability Office, the investigative arm of Congress, has completed several reports on the power plant at the request of members of Congress. But Terrell Dorn, the managing director of infrastructure operations at the agency, said it had not received a request since 2008.

Jim Dougherty, the director of the Sierra Club, said Congress should be held accountable.

"This is more evidence Congress doesn't have concern for health impacts in the region," Mr. Dougherty said. "I think they have their own imaginary interests in mind and have no regard whatsoever for the people. They think they are above the law."

Mr. Dougherty said the Sierra Club was exploring several legal avenues to seek to curb the use of coal at the plant.

Residents of the Capitol Hill neighborhood and leaders of environmental groups have raised concerns with the office of the architect of the Capitol and have asked the city to conduct an emissions study, along with a survey on child respiratory health problems.

"You can see the emissions coming out of the stacks," said Susan Holmes, a mother of two young children who lives a few blocks from the power plant. "It makes you nervous and worry about what you are breathing in."

In June, the architect's office obtained the final permits for a transition at the plant that would allow it to provide electricity to the Capitol complex for the first time in more than 60 years and to operate almost exclusively on natural gas. Mayor Vincent C. Gray recently introduced legislation that would ban the use of coal at power plants in the city 18 months after the revamped Capitol plant begins operation.

But there are no plans to begin construction on the Capitol plant, and Congress has not allocated any money for the project. In addition, according to the Department of the Environment, overhauling the plant would probably result in a "significant" net increase in its emissions.

Ms. Holmes said the power plant needed to be "a good neighbor."

"I don't want to see a net increase in emissions, whether it be from coal, oil or natural gas," she said. "This is in our nation's capital. We need to set an example."

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# NJ.COM

## PennPirg urges EPA to make chemical companies switch to safer processes

PHILADELPHIA — Environmental activists gathered in front of the Philadelphia region's Environmental Protection Agency offices on Thursday to call for stricter safety and security to protect the public from possible chemical spills and accidents in the area.

The rally was to release "Danger in Our Backyards: The Threat of Chemical Facilities to Millions," a report highlighting 12 chemical facilities — including Greenwich Township's Paulsboro Refining Company and Philadelphia's Trainer Refinery — and the effects that could occur if an accident or chemical spill happened there.

PennPIRG (Public Interest Research Group) — a consumer health and safety advocacy group — pointed out that both the Paulsboro Refining Company and the Trainer Refinery routinely use hydrofluoric acid to refine crude oil into gasoline and that an incident involving hydrofluoric acid can affect a 19-mile radius.

A 19-mile radius from each facility includes large portions of Gloucester and Salem counties.

"At a time when we're seeing more chemical accidents than ever, the EPA should use its authority to require that the most dangerous chemical facilities switch to safer alternatives and modernize their policies to protect the public," said Caroline Sorensen, the Campaign Coordinator with PennPIRG. "Every day millions of people are at risk from exposure to toxic chemicals."

With a train derailment causing a spill of the toxic chemical vinyl chloride occurring in Paulsboro last November, PennPIRG argues that safer alternatives should be implemented, especially in the Philadelphia area where there are 11 chemical plants and some of the busiest highways and railroad lines in the country.

"The EPA has the authority to make our communities safe from another spill," Sorensen said. "We can't just sit around and wait for another Paulsboro spill or West Texas explosion. It's time for the EPA to act."

However, according to those in the chemical manufacturing industry, extreme safety regulations are in place and followed precisely, especially in New Jersey.

"New Jersey is a unique situation because not only are plants complying with the federal level regulations, they are also required to comply with the state level," said Elvin Montero, the director of communications for the Chemistry Council of New Jersey. "This information is not new. It's something our industry is required to do and we take the necessary precautions to ensure all safety."

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# Propublica

## New Study Finds High Levels of Arsenic in Groundwater Near Fracking Sites

by Theodoric Meyer
ProPublica, Aug. 8, 2013

A recently published study by researchers at the University of Texas at Arlington found elevated levels of arsenic and other heavy metals in groundwater near natural gas fracking sites in Texas' Barnett Shale.

While the findings are far from conclusive, the study provides further evidence tying fracking to arsenic contamination. An internal Environmental Protection Agency PowerPoint presentation recently obtained by the Los Angeles Times warned that wells near Dimock, Pa., showed elevated levels of arsenic in the groundwater. The EPA also found arsenic in groundwater near fracking sites in Pavillion, Wyo., in 2009 — a study the agency later abandoned.

ProPublica talked with Brian Fontenot, the paper's lead author, about how his team carried out the study and why it matters. (Fontenot and another author, Laura Hunt, work for the EPA in Dallas, but they conducted the study on their own time in collaboration with several UT Arlington researchers.) Here's an edited version of our interview:

**What led you guys to do the study?**

We were sort of talking around lunch one day, and came up with the idea of actually going out and testing water in the Barnett Shale. We'd heard all the things that you see in the media, all the sort of really left-wing stuff and right-wing stuff, but there weren't a whole lot of answers out there in terms of an actual scientific study of water in the Barnett Shale. Our main intent was to bring an unbiased viewpoint here — to just look at the water, see if we could find anything, and report what we found.

**What kind of previous studies had been done in this vein?**

The closest analog that I could find to our type of study are the things that have been done in the Marcellus Shale, with Rob Jackson's group out at Duke University. Ours is set up very similarly to theirs in that we went out to private landowners' wells and sampled their water wells and assayed them for various things. We decided to go with a list of chemicals thought to be included in hydraulic fracturing that was actually released in a congressional report. Our plan was to sample everyone's water that we could, and then go through that list of these potential chemical compounds within the congressional list.

**How did you do it?**

We were able to get a press release put out from UT Arlington that went into the local newspapers that essentially called for volunteers to be participants in the study. For being a participant, you would get free water testing, and we would tell them our results. We were upfront with everyone about, you know, we don't have a bias, we're not anti-industry, we're not pro-industry. We're just here to finally get some scientific data on this subject. And we had a pretty overwhelming response.

From there we chose folks that we would be able to get to. We had to work on nights and weekends, because we had an agreement with EPA to work on this study outside of work hours. So we spent quite a few weekend days going out to folks who had responded to our call and sampling their water. But that wasn't quite enough. We also had to get samples from within the Barnett Shale in areas where fracking was not going on, and samples from outside the Barnett Shale where there's no fracking going on, because we wanted to have those for reference samples. For those samples we went door to door and explained to folks what our study was about.

We have people that were pro-industry that wanted to participate in this study to help out — saying, you know, 'You're not going to find anything and I'm going to help you prove it.' And we also had folks that were determined to find problems. We have the whole gamut of folks represented in our study.

We would take a water well, and we would go directly to the head, the closest we could get to the actual water source coming out of the ground, and we would purge that well for about 20 minutes. That ensures that you're getting fresh water from within the aquifer. So we didn't take anything from the tap, and nothing that had been through any kind of filtration system. This was as close to the actual groundwater as we could get. We took some measurements, and then we took several samples back to UT Arlington for a battery of chemistry analyses. That's where we went through and looked for the various volatile organic compounds and heavy metals and methanols and alcohols and things like that.

**What did you find?**

We found that there were actually quite a few examples of elevated constituents, such as heavy metals, the main players being arsenic, selenium and strontium. And we found each of those metals at levels that are above EPA's maximum contaminate limit for drinking water.

These heavy metals do naturally occur in the groundwater in this region. But we have a historical dataset that points to the fact that the levels we found are sort of unusual and not natural. These really high levels differ from what the groundwater used to be like before fracking came in. And when you look at the location of the natural gas wells, you find that any time you have water wells that exceed the maximum contaminate limit for any of these heavy metals, they are within about three kilometers of a natural gas well. Once you get a private water well that's not very close to

a natural gas well, all of these heavy metals come down. But just because you're close to a natural gas well does not mean you're guaranteed to have elevated contaminate levels. We had quite a few samples that were very close to natural gas wells that had no problems with their water at all.

We also found a few samples that had measureable levels of methanol and ethanol, and these are two substances that don't naturally occur in groundwater. They can actually be created by bacterial interactions underwater, but whenever methanol or ethanol occur in the environment, they're very fleeting and transient. So for us to be able to actually randomly take a grab sample and detect detectable methanol and ethanol — that implies that there may be a continuous source of this.

**You found levels of arsenic in areas with fracking that were almost 18 times higher than in areas without fracking or in the historical data. What would happen to someone who drank that water?**

Arsenic is a pretty well-known poison. If you experience a lot of long-term exposure to arsenic, you get a lot of different risks, like skin damage, problems with the circulatory system or even an increased risk of cancer. The levels that we found would not be a lethal dose, but they're certainly levels that you would not want to be exposed to for any extended period of time.

**What about the other stuff you found?**

The heavy metals are a little bit different because they are known to be included in some fracking recipes. But they're also naturally occurring compounds. We think the problem is that they're becoming concentrated at levels that aren't normal as a result of some aspect of natural gas extraction.

It's not necessarily that we're saying fracking fluid getting out. We don't have any evidence of that. But there are many other steps involved, from drilling the hole to getting the water back out. A lot of these can actually cause different scenarios whereby the naturally occurring heavy metals will become concentrated in ways they normally wouldn't. For example, if you have a private water well that's not kept up well, you'll have a scale of rust on the inside. And if someone were to do a lot of drilling nearby, you may find some pressure waves or vibrations that would cause those rust particles to flake out into the water. Arsenic is bound up inside that rust, and that can actually mobilize arsenic that would never be in the water otherwise.

Methanol and ethanol are substances that should not be very easy to find in the groundwater naturally. We definitely know that those are on the list of things that are known to be in hydraulic fracturing fluid. But we were unable to actually sample any hydraulic fracturing fluid, so we can't make any claims that we have evidence fluids got into the water.

**Have you talked with the homeowners whose wells you sampled?**

We have shown those homeowners the results. I think most of the folks that had high levels of heavy metals were not necessarily surprised. You hear so much I think maybe they were expecting it to come back with something even more extreme than that. I don't want to say they were relieved, but I think they all sort of took the news in stride and realized, OK, well, as a private well owner there's no state or federal agency that provides any kind of oversight or regulation, so it's incumbent on that well owner to get testing done and get any kind of remediation.

**Do you think fracking is responsible for what you found?**

Well, I can't say we have a smoking gun. We don't want the public to take away from this that we have pegged fracking as the cause of these issues. But we have shown that these issues do occur in close relation, geographically, to natural gas extraction. And we have this historical database from pretty much the same exact areas that we sampled that never had these issues until the onset of all the fracking. We have about 16,000 active wells here in the Barnett Shale, and that's all popped up in about the last decade, so it's been a pretty dramatic increase.

We noticed that when you're closer to a well, you're more likely to have a problem, and that today's samples have problems, while yesterday's samples before the fracking showed up did not. So we think that the strongest argument

we can say is that this needs more research.

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# Delaware Cape Gazette

## Scientists: Chicken plant could harm public health

By Rachel Swick Mavity | Aug 09, 2013

A group of Baltimore scientists says the Sussex County Board of Adjustment needs more information before deciding whether a proposed Millsboro chicken plant will affect public health.

The Sussex board is expected to decide next month on a special-use permit request for Allen Harim, which plans to open a chicken processing facility. A permit is required because the plant, which could process 350,000 to 2 million chickens per week, is considered a potentially hazardous use.

In a letter sent to board officials, scientists from the Johns Hopkins Center for a Livable Future, housed in the Bloomberg School of Health, say increased poultry processing in Sussex County could spread antibiotic-resistant bacteria in the environment because antibiotics are used in chicken feed, which ends up in the poultry waste spread on agricultural fields throughout the region.

"This is especially concerning because poultry producers in Sussex County already raise approximately 211 million broiler chickens per year, which is more than any other county on the Delmarva Peninsula," states the letter.

In addition to the spread of bacteria through poultry waste, trucks transporting the chickens will also release the bacteria, scientists said.

In one study conducted on Route 13 near Salisbury and cited by the Johns Hopkins group, poultry trucks were found to spread harmful bacteria as they drove through communities.

"Researchers consistently detected drug-resistant bacteria in the air and on surfaces inside vehicles while driving with their windows down behind poultry trucks," states the letter. "This study exemplifies one facet of the increased burden that the community will face as a result of having hundreds of thousands of birds transported to the proposed processing plant each day."

Maria Payan, a consultant with the Socially Responsible Agricultural Project and opponent of the Millsboro chicken plant, said state and county officials need to collect more information to determine the health impact of replacing a pickle plant with a chicken processing facility.

Payan asked Johns Hopkins scientists to review reports sent to the board of adjustment. She said she hopes the letter will make officials slow down and consider all sides of how poultry operations affect residents.

"The information held by the board of adjustment doesn't include health data," Payan said. "This is too big of an operation, and it is going to have a major impact on the community."

About four weeks ago, a group of concerned Millsboro residents formed Protecting our Indian River, said Kenny Haynes, who lives in Possum Point about 200 yards from the former Vlasic pickle plant.

Payan and the Millsboro group have started a Facebook page to raise awareness of the proposed plant.

Haynes said the group hand-delivered more than 200 comments from Millsboro residents to the board of adjustment Aug. 7 before the public comment period ended.

Haynes and his wife live on the edge of Wharton Branch, which meanders around Millsboro, passing the Indian River power plant, before it empties into Indian River and the Inland Bays.

From their perch on the edge of the creek, the Haynes have seen cloudy and bubbly water that they attribute to wastewater releases from the former pickle plant.

"These releases often happen on the weekend when the Delaware Department of Natural Resources and Environmental Control is closed," said Joanne, who is concerned about the large amount of water – estimated at more than 800,000 gallons a day – that will be used at the proposed Allen Harim plant.

The Haynes' neighbor Jay Meyer said he enjoys boating and crabbing in the creek, but worries about increased pollution coming from a chicken processing plant, where live chickens will come in and packaged food products will go out.

"Someone needs to investigate what is coming out of the plant and how it will affect the residents, but also how it will affect fish and crabs," Meyer said.

"Officials need more information before they can decide what public health effect the new plant will have," Payan said.

The purchase of the 107-acre property is still pending as Vlasic owner Pinnacle Foods and Allen Harim officials broker an agreement to clean up the property. It was designated a Brownfield site by Delaware officials July 11 because of potential land and water contamination, and Allen Harim is working with state officials to develop a remediation plan. Once a plan is finalized, residents have a right to comment and request a public hearing.

Scientists said adding about 50 trucks per day on rural roads would contribute to increased pollution. During a public meeting last month, Allen Harim officials said truck traffic could be as high as 80 trucks per day. Scientists also said safety protocols need to be put in place to protect the health of plant workers who may be exposed to chemicals and pollutants.

"There are significant gaps in the information provided thus far by the applicant and state agencies," said Johns Hopkins scientists. "If the poultry plant is ultimately permitted, strong monitoring requirements should be set up in order to alert relevant state agencies immediately if operation of the plant causes issues that threaten public health."

The Center for a Livable Future is an academic research and educational center that investigates the intersection of food systems, public health and the environment, said Dr. Jillian Fry, one of the scientists contributing to the letter. The opinions of the four scientists writing the letter do not necessarily reflect the views of Johns Hopkins, Fry said.

"We wrote the letter about the proposed poultry processing plant because the ways we produce and process chickens significantly impacts the environment and public health," Fry said. "We think decision makers and citizens need to be aware of the potential negative consequences of having the processing plant in their community."

A date has not been set for the Sussex County Board of Adjustment to review Allen Harim's plan.

For more information on the center, go to www.jhsph.edu/clf.

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# BNA Daily Environment Report

## EPA Said to Identify 18 New Coal Ash Sites as

# Causing Water Pollution

By Anthony Adragna

The Environmental Protection Agency has confirmed 18 new "proven damage cases" of local groundwater contamination stemming from coal ash disposal sites in 13 states, according to a document obtained by two environmental groups and released Aug. 8.

Earthjustice and the Environmental Integrity Project further said in their report, which included a reproduction of a September 2012 EPA document outlining the pollution, that EPA has identified 49 coal ash dumps in 18 states with the potential to damage human health and the environment by contaminating groundwater or surface water.

According to the groups, there have now been 38 cases of proven off-site pollution with the addition of the 18 new cases by EPA.

Those sites were added to the list of proven off-site pollution cases based on evidence of pollutant accumulations in high enough concentrations to cause concerns for human health; administrative rulings or court decisions with the explicit rulings of damage to human health or the environment; or scientific studies showing evidence of damage to human health.
EPA was unavailable for comment on the report.

"EPA's list of polluting coal ash dumps barely scratches the surface," Eric Schaeffer, director of the Environmental Integrity Project, said in a statement. "Without federal rules, many states take a 'see no evil' approach and do not require the operators of landfills and impoundments to monitor all coal ash pollution. We applaud EPA for confirming instances of coal ash water pollution, but federal rules that require commonsense safeguards to monitor, prevent, and clean up leaking coal ash dumps are critical and long overdue."

**15 Sites Previously Identified**

The Environmental Integrity Project had previously identified 15 of the new 18 cases as locations of contamination due to coal ash in a 2010 report. That report identified 31 coal ash sites in 14 states where groundwater or waterways are contaminated (36 DEN A-10, 2/25/10).

The confirmed new "proven damage cases" are located at Gibson Generating Station in Indiana; JR Whiting Generating Plant and Detroit Edison Range Road Landfill in Michigan; Colstrip Power Plant in Montana; Swift Creek Structural Fill Site in North Carolina; Reid Gardner Generating Station in Nevada; Cayuga Coal Ash Disposal Landfill in New York; Bruce Mansfield Station, Hatfield's Ferry Power Station, and Fern Valley Landfill in Pennsylvania; Clinch River and Glen Lyn Power Plants in Virginia; Columbia Energy Center and Oak Creek Power Plant in Wisconsin; Urquhart Station in South Carolina; Trans Ash Inc. in Tennessee; Welsh Reservoir in Texas; and John Amos Power Plant in West Virginia.

The Edison Electric Institute, which represents power generators, was unavailable to comment on the report.

EPA has been working on a final rule on the management of coal ash, a residue from coal-fired power plants, since 2010. In its proposed rule, EPA considered regulating the material under the hazardous waste provisions of Subtitle C of the Resource Conservation and Recovery Act or under the nonhazardous waste provisions of Subtitle D of RCRA.

There is no time frame for a final rule. Frustrated with the pace and uncertainty associated with the proposed rule, the House passed legislation July 25 that would give states a primary role in implementing minimum federal standards for management of the material

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